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| 09/965,984 | 09/28/2001 | E-Lee Chang | BELL-0128/01181 | 5167 |
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| LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201 | | | EXAMINER WOO, STELLA L | |
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| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/965,984

Applicant(s)

CHANG ET AL.

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-18,22-26 and 28-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-18, 22-26, 28-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-18, 28-31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert (US 5,742,666) in view of Markowitz et al. (US 6,295,346, hereinafter "Markowitz"), and further in view of Contractor (US 6,674,840 B1).

Regarding claims 1, 3, 5-18, 28-31, 33, Alpert discloses a method comprising:

receiving a location signal at a base station from a remote device associated with a subscriber (central control station 20 receives location information from cellular telephone 50; col. 13, lines 57-65);

determining from the location signal a street address (location coordinates are converted electronically to a more workable street address; col. 14, lines 16-22);

obtaining an updated notification message from the remote device (the cellular telephone 50 provides updated information regarding the location of the user in distress; col. 14, line 49 – col. 15, line 6; col. 15, lines 44-51); and

providing the updated notification message until a deactivation event occurs (updated location information is provided periodically until the user inputs an "end transmission" code; col. 15, lines 44-62).

Alpert differs from claims 1, 3, 5-18, 28-31, 33 in that although it teaches the central station providing a notification message to the emergency service (col. 13, lines 59-65; col. 14, lines 14-15; col. 15, lines 1-6) it does not specify storing a contact profile and providing the notification message to each of a plurality of contacts. However, Markowitz teaches the desirability of having the base station (private emergency response service is outcall module 190 in Figure 1) store a contact profile (outcall database 125 stores a list of individuals that are to be called in the event of an emergency; col. 3, lines 47-55) and place a phone call to the public emergency service (emergency service provider) along with each of a plurality of contacts (col. 3, line 63 – col. 4, line 5) so that family members, work associates, neighbors, etc. can be notified of the emergency (col. 1, lines 14-42) with only a single phone call from the user to the base station (private response service). It would have been obvious to an artisan of ordinary skill to modify the method of Alpert by adapting the central control station to contact each of a plurality of contacts as well as the emergency service provider, as taught by Markowitz, so that only one phone call from the user is needed to send the caller's identity and location coordinates (notification message) to the public emergency service as well as to family members, neighbors, etc.

The combination of Alpert and Markowitz differs from claims 1, 3, 5-18, 28-31, 33 in that it does not teach testing the contact data associated with each of the plurality of contacts by initiating a test call to each of the contacts. However, Contractor teaches the desirability of verifying telephone numbers provisioned for subscribers by placing a test call to each number (Figure 2) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of test calls, as taught by Contractor, within the combination of Alpert and Markowitz in order to ensure that emergency notification messages are sent to valid telephone numbers.

Regarding claim 3, Alpert teaches the location identification system as being a GSP system (col. 5, line 63 – col. 6, line 3).

Regarding claims 5-6, 28-30, in Alpert, the location information is in the form of location coordinates, e.g. longitude and latitude (col. 14, lines 16-19).

Regarding claims 7-9, Markowitz teaches the desirability of communicating an emergency notification message to a predefined set of parties in the form of an e-mail message in lieu of a voice message (col. 7, lines 34-45, 51-53) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of e-mail, as taught by Markowitz, within the method of Alpert in order to allow for the option of e-mail notification.

Regarding claims 8-9, Markowitz provides for using a template (col. 7, lines 45-50).

Regarding claims 10-12, Markowitz teaches the desirability of communicating an emergency notification message by synthesized voice (col. 4, lines 6-45) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a synthesized voice message, as taught by Markowitz, within the method of Alpert when notifying each contact over the telephone system.

Regarding claims 11-12, Markowitz uses a voice template to form a notification message (col. 4, lines 10-45).

Regarding claim 13, in Alpert, the caller's identity is provided in the notification message (col. 7, lines 30-31).

Regarding claim 14, in Markowitz, information regarding the caller's identity is retrieved from subscriber database 120 (col. 3, lines 33-38).

Regarding claims 15-17, in Alpert, the triggering event is the activation of the emergency key 64 or a crash detector 66 (col. 6, lines 50-67).

Regarding claim 18, in Alpert, the current, periodically updated location of the cellular telephone caller can be considered as an event status.

3. Claims 22-26, 34, 36-40, 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert, Markowitz and Contractor, as applied to claims 1, 3, 5-18, 28-31, 33 above, and further in view of Salvucci et al. (US 6,775,356 B2, hereinafter "Salvucci").

The combination Alpert, Markowitz and Contractor differs from claims 22-26, 34, 36-40, 42-47 in that it does not specify providing an updated

notification message including up-to-date event status information. However, Salvucci teaches the desirability of providing real-time information about an incident or emergency, collected after the emergency call is first reported, such as call disposition, hospital ID, result from service dispatch, etc. (col. 4, lines 46-62; col. 12, line 47- col. 13, line 7) so that the message recipient has more information upon which to make a decision on how to respond (col. 5, lines 15-18). It would have been obvious to an artisan of ordinary skill to incorporate such transmission of an update notification message, as taught by Salvucci, within the combination of Alpert, Markowitz and Contractor so that message recipients can be better informed as to how to respond.

Regarding claims 24, 26, and 39, Salvucci provides for indicating contact type (col. 16, lines 1-4).

Regarding claims 43-45, Salvucci provides incident details at a website (col. 14, lines 50-51; col. 16, lines 51-52).

4. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert, Markowitz, and Contractor, as applied to claim 1 above, and further in view of King et al. (US 5,864,755, hereinafter "King").

The combination of Alpert, Markowitz and Contractor differs from claim 32 in that it does not specify the deactivation event as being an expiration of a predefined timeout period. However, King, from the same field of endeavor, teaches the desirability of returning a mobile phone to its normal status after a predetermined time period or in response to an appropriate command (col. 3,

lines 41-46; col. 4, lines 5-24, 61-67) such that it would have been obvious to an artisan of ordinary skill to incorporate such deactivation in response to the expiration of a timeout period, as taught by King, within the combination of Alpert, Markowitz and Contractor in order to cease the emergency notification calling after sufficient time for help to arrive has passed.

5. Claims 35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert, Markowitz, Contractor and Salvucci, as applied to claims 22 and 37 above, and further in view of King for the same reasons applied to claim 32 above.

6. Claims 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Alpert, Markowitz and Contractor, and further in view of Menard (US 2004/0247086).

The combination of Alpert, Markowitz and Contractor differs from claims 43-47 in that it does not teach a website by which the plurality of contacts can retrieve location information. However, Menard, from the same field of endeavor, teaches the desirability of providing emergency event information at a website including the location of the emergency situation, the number of injured people, treatment facility information, etc. (paragraphs 26-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such provision of a website, as taught by Menard, within combination of Alpert, Markowitz and Contractor in order to provide notified persons with access to details regarding the emergency event.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 3, 5-18, 22-26, 28-47 have been considered but are moot in view of the new grounds of rejection.

Conclusion

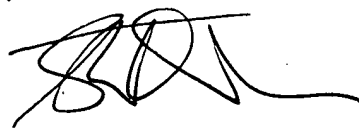
8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized, flowing script.

Stella L. Woo
Primary Examiner
Art Unit 2614